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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 07-0568 MHP  
Plaintiff, )  
v. ) PARTIES' JOINT REQUEST TO CONTINUE  
MARK JACOBSON, ) STATUS HEARING DATE AND [PROPOSED]  
Defendant. ) ORDER

It is hereby stipulated by and between counsel for the United States, Assistant U.S.

Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas F. Carlucci, that, subject to the Court's approval, the status hearing presently set for January 23, 2013 be continued and set for a sentencing hearing on June 26, 2013 at 2:30 p.m. The United States has learned from the Court's publicly posted availability information that the Court is available on that date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007 to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes standard terms of cooperation.

JOINT REQ. & [PROPOSED] ORDER  
CR 07-0568 EMC

1        In light of continuing cooperation under the terms of the plea agreement, the parties  
2 jointly request that the status hearing on January 23, 2013 be continued for a sentencing hearing  
3 on June 26, 2013 at 2:30 p.m. Additional time is needed for the defendant to complete his  
4 cooperation with the government, and, accordingly, this matter is not yet ready to proceed to  
5 sentencing. Specifically, charges have been filed against an alleged co-conspirator of the  
6 defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. The Court has set a  
7 trial date of April 8, 2013 for the Nosal case. The defendant Jacobson is expected to testify in  
8 that trial. Because Mr. Jacobson will be required to testify at trial, his cooperation with the  
9 government's investigation is not yet complete.

10        For all of these reasons, the parties jointly request that this Court vacate the status hearing  
11 presently set for January 23, 2013, and set a sentencing hearing for June 26, 2013, at 2:30 p.m.  
12 In addition, the parties jointly request that the due dates for the presentence report be calculated  
13 using the new sentencing date.

14 SO STIPULATED.

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16 Dated: January 2, 2013

MELINDA HAAG  
United States Attorney

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19 Dated: January 2, 2013

/s/  
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KYLE F. WALDINGER  
Assistant United States Attorney

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/s/  
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THOMAS F. CARLUCCI  
Attorney for defendant Mark Jacobson

**[PROPOSED] ORDER**

GOOD CAUSE APPEARING,

IT IS ORDERED that the status hearing presently set for January 23, 2013 is vacated.

The parties are ordered to appear for a sentencing hearing on June 26, 2013, at 2:30 p.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 10<sup>th</sup> day of January, 2013.

